



The Journal OF THE *House of Representatives*

Number 31

Thursday, April 17, 2014

Messages from the Senate

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB 242, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committees on Governmental Oversight and Accountability; Judiciary; and Commerce and Tourism; and Senator Detert—

CS for CS for CS for SB 242—A bill to be entitled An act relating to the security of a protected consumer's information; providing a short title; creating s. 501.0051, F.S.; providing definitions; authorizing the representative of a protected consumer to place a security freeze on a protected consumer's consumer report or record; specifying the procedure to request a security freeze; requiring a consumer reporting agency to establish a record if the protected consumer does not have an existing consumer report; prohibiting the use of a consumer record for certain purposes; requiring a consumer reporting agency to place, and to provide written confirmation of, a security freeze within a specified period; prohibiting a consumer reporting agency from stating or implying that a security freeze reflects a negative credit history or rating; requiring a consumer reporting agency to remove a security freeze under specified conditions; specifying the procedure to remove a security freeze; providing applicability; authorizing a consumer reporting agency to charge a fee for placing or removing a security freeze and for reissuing a unique personal identifier; prohibiting a fee under certain circumstances; requiring written notification upon the change of specified information in a protected consumer's consumer report or record; providing exceptions; requiring a consumer reporting agency to notify a representative and provide specified information if the consumer reporting agency violates a security freeze; requiring the Department of Agriculture and Consumer Services to investigate complaints regarding the violation of a security freeze; providing penalties and civil remedies for the violation of a security freeze; providing written disclosure requirements for consumer reporting agencies relating to a protected consumer's security freeze; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 308, and requests the concurrence of the House.

Debbie Brown, Secretary

By Senator Brandes—

SB 308—A bill to be entitled An act relating to public assistance fraud; amending s. 414.411, F.S.; authorizing the Department of Financial Services to administer oaths and affirmations and issue and serve subpoenas when conducting investigations into public assistance fraud; providing a penalty; providing for award of attorney fees and costs; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 424, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committees on Appropriations; and Criminal Justice; and Senators Lee and Latvala—

CS for CS for SB 424—A bill to be entitled An act relating to discriminatory insurance practices; amending s. 626.9541, F.S.; providing that unfair discrimination on the basis of gun ownership in the provision of personal lines property or personal lines automobile insurance is a discriminatory insurance practice; clarifying that insurers are not prevented from charging supplemental premiums or sharing information between an insurer and its agent if a separate rider has been requested; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has adopted SM 476 and requests the concurrence of the House.

Debbie Brown, Secretary

By Senator Hays—

SM 476—A memorial to the Congress of the United States, applying to Congress to call a convention for the sole purpose of proposing amendments to the Constitution of the United States which impose fiscal restraints on the Federal Government, limit the power and jurisdiction of the Federal Government, and limit the terms of office for federal officials and members of Congress.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 590, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committees on Criminal Justice; and Banking and Insurance; and Senator Richter—

CS for CS for SB 590—A bill to be entitled An act relating to money services businesses; amending s. 560.111, F.S.; providing that failing to provide certain information relating to a check cashing transaction is a felony; reenacting and amending s. 560.114, F.S.; updating cross-references; authorizing the Office of Financial Regulation to summarily suspend a license if criminal charges are filed against certain persons or such persons are arrested for certain offenses; amending s. 560.1235, F.S.; updating cross-references; amending s. 560.125, F.S.; providing that a deferred presentment transaction conducted by an unauthorized person is void; amending ss. 560.1401, 560.141, and 560.309, F.S.; updating cross-references; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has adopted SM 658 and requests the concurrence of the House.

Debbie Brown, Secretary

By Senators Stargel and Benacquisto—

SM 658—A memorial to the Congress of the United States, applying to Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States which requires a balanced federal budget.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

Introduction and Reference

By the State Affairs Committee; Representative **Caldwell**—

HB 7179—A bill to be entitled An act relating to local government pension reform; amending s. 175.021, F.S.; revising a legislative declaration to require that all firefighter pension plans meet the requirements of chapter 175, F.S., in order to receive insurance premium tax revenues; amending s. 175.032, F.S.; revising definitions to conform to changes made by the act and providing new definitions; amending s. 175.071, F.S.; conforming a cross-reference; amending s. 175.091, F.S.; revising the method of creating and maintaining a firefighters' pension trust fund; amending s. 175.162, F.S.; deleting a provision basing the availability of additional benefits in a firefighter pension plan upon state funding; revising the calculation of monthly retirement income for a full-time firefighter; providing that certain firefighter pension plans to maintain a certain minimum percentage of average final compensation after a specified date; amending s. 175.351, F.S., relating to municipalities and special fire control districts that have their own pension plans and want to participate in the distribution of a tax fund; revising criteria governing the use of revenues from the premium tax revenues; authorizing a pension plan to reduce excess benefits if the plan continues to meet certain minimum benefits and standards; providing that the use of premium tax revenues may deviate from the requirements of chapter 175, F.S., under certain circumstances; requiring plan

sponsors to have a defined contribution plan in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to chapter 175, F.S., for a limited time; amending s. 185.01, F.S.; revising a legislative declaration to require that all police officer pension plans meet the requirements of chapter 185, F.S., in order to receive insurance premium tax revenues; amending s. 185.02, F.S.; revising definitions to conform to changes made by the act and adding new definitions; revising applicability of the limitation on the amount of overtime payments which may be used for retirement benefit calculations; amending s. 185.06, F.S.; conforming a cross-reference; amending s. 185.07, F.S.; revising the method of creating and maintaining a police officers' retirement trust fund; amending s. 185.16, F.S.; deleting a provision basing the availability of additional benefits in a police officer pension plan upon state funding; revising the calculation of monthly retirement income for a police officer; providing that certain police officer pension plans must maintain a certain minimum percentage of average final compensation after a specified date; amending s. 185.35, F.S., relating to municipalities that have their own pension plans for police officers and want to participate in the distribution of a tax fund; conforming a cross-reference; revising criteria governing the use of revenues from the premium tax; authorizing a plan to reduce excess benefits if the plan continues to meet certain minimum benefits and minimum standards; providing that the use of premium tax revenues may deviate from the requirements of chapter 185, F.S., under specified circumstances; requiring plan sponsors to have a defined contribution plan in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to chapter 185, F.S., for a limited time; providing a declaration of important state interest; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Campbell**—

HR 9097—A resolution recognizing the 81st anniversary of the Village of Biscayne Park.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Campbell**—

HR 9099—A resolution recognizing the 82nd anniversary of Miami Shores Village.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Raschein**—

HR 9101—A resolution commending Captain Bill Smith for being the first to catch a bonefish (*albulus vulpes*) on an artificial fly 75 years ago.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Renuart**—

HR 9103—A resolution recognizing the 160th anniversary of the Duval County Medical Society.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Campbell**—

HR 9105—A resolution recognizing the 88th anniversary of the City of North Miami.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Campbell**—

HR 9107—A resolution recognizing the 77th anniversary of the Village of El Portal.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Campbell**—

HR 9109—A resolution recognizing the importance of sickle cell awareness in the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Ray**—

HR 9111—A resolution expressing appreciation for the sister-state relationship between the State of Florida and the Republic of China (Taiwan).

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Metz**—

HR 9113—A resolution recognizing May 17, 2014, as "Armed Forces Day" in the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Campbell**—

HR 9115—A resolution recognizing the 10th anniversary of the Haitian Heritage Museum.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Coley**—

HR 9117—A resolution recognizing June 5, 2014, as "Coastal Dune Lakes Day" in the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Bracy**—

HR 9119—A resolution recognizing the Wekiva High School 2014 Girls' Basketball Team.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Rehwinkel Vasilinda**—

HR 9121—A resolution designating October 20-24, 2014, as "Healthy Eating Awareness: Lifestyle To Heal You (HEALTHY) Week" in the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Castor Dentel**—

HR 9123—A resolution congratulating the Winter Park High School Wildcats boys basketball team for winning the 2014 Florida High School Athletic Association Class 8A Championship.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **La Rosa**—

HR 9125—A resolution designating Saturday, July 26, 2014, as the "Day of the Cowboy" in the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

First Reading of Committee and Subcommittee Substitutes by Publication

By the Health & Human Services Committee; Health Care Appropriations Subcommittee; and Health Innovation Subcommittee; Representatives **Ahern** and **Campbell**—

CS/CS/CS/HB 573—A bill to be entitled An act relating to health of residents; amending s. 394.4574, F.S.; providing that Medicaid managed care plans are responsible for enrolled mental health residents; providing that managing entities under contract with the Department of Children and Families are responsible for mental health residents who are not enrolled with a Medicaid managed care plan; deleting a provision to conform to changes made by the act; requiring that the community living support plan be completed and provided to the administrator of a facility within a specified period after the resident's admission; requiring the community living support plan to be updated when there is a significant change to the mental health resident's behavioral health; requiring the case manager assigned to a mental health resident of an assisted living facility that holds a limited mental health license to keep a record of the date and time of face-to-face interactions with the resident and to make the record available to the responsible entity for inspection; requiring that the record be maintained for a specified period; requiring the responsible entity to ensure that there is adequate and consistent monitoring and implementation of community living support plans and cooperative agreements and that concerns are reported to the appropriate regulatory oversight organization under certain circumstances; amending s. 400.0074, F.S.; requiring that an administrative assessment conducted by a local council be comprehensive in nature and focus on factors affecting the rights, health, safety, and welfare of nursing home residents; requiring a local council to conduct an exit consultation with the facility administrator or administrator designee to discuss issues and concerns in areas affecting the rights, health, safety, and welfare of residents and make recommendations for improvement; amending s. 400.0078, F.S.; requiring that a resident or a representative of a resident of a long-term care facility be informed that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; amending s. 409.212, F.S.; increasing the cap on additional supplementation a person may receive under certain conditions; amending s. 429.02, F.S.; revising the definition of the term "limited nursing services"; amending s. 429.07, F.S.; requiring that an extended congregate care license be issued to certain facilities that have been licensed as assisted living facilities under certain circumstances and authorizing the issuance of such license if a specified condition is met; providing the purpose of an extended congregate care license; providing that the initial extended congregate care license of an assisted living facility is provisional under certain circumstances; requiring a licensee to notify the Agency for Health Care Administration if it accepts a resident who qualifies for extended congregate care services; requiring the agency to inspect the facility for compliance with the requirements of an extended congregate care license; requiring the issuance of an extended congregate care license under certain circumstances; requiring the licensee to immediately suspend extended congregate care services under certain circumstances; requiring a registered nurse representing the agency to visit the facility at least twice a year, rather than quarterly, to monitor residents who are receiving extended congregate care services; authorizing the agency to waive one of the required yearly monitoring visits under certain circumstances; authorizing the agency to deny or revoke a facility's extended congregate care license; requiring a registered

nurse representing the agency to visit the facility at least annually, rather than twice a year, to monitor residents who are receiving limited nursing services; providing that such monitoring visits may be conducted in conjunction with other agency inspections; authorizing the agency to waive the required yearly monitoring visit for a facility that is licensed to provide limited nursing services under certain circumstances; amending s. 429.075, F.S.; requiring an assisted living facility that serves one or more mental health residents to obtain a limited mental health license; revising the methods employed by a limited mental health facility relating to placement requirements to include providing written evidence that a request for a community living support plan, a cooperative agreement, and assessment documentation was sent to the Department of Children and Families within 72 hours after admission; amending s. 429.14, F.S.; revising the circumstances under which the agency may deny, revoke, or suspend the license of an assisted living facility and impose an administrative fine; requiring the agency to deny or revoke the license of an assisted living facility under certain circumstances; requiring the agency to impose an immediate moratorium on the license of an assisted living facility under certain circumstances; deleting a provision requiring the agency to provide a list of facilities with denied, suspended, or revoked licenses to the Department of Business and Professional Regulation; exempting a facility from the 45-day notice requirement if it is required to relocate some or all of its residents; amending s. 429.178, F.S.; conforming cross-references; amending s. 429.19, F.S.; providing for classification of the scope of a violation based upon number of residents affected and number of staff involved; revising the amounts and uses of administrative fines; requiring the agency to levy a fine for violations that are corrected before an inspection if noncompliance occurred within a specified period of time; deleting factors that the agency is required to consider in determining penalties and fines; amending s. 429.256, F.S.; revising the term "assistance with self-administration of medication" as it relates to the Assisted Living Facilities Act; amending s. 429.27, F.S.; revising the amount of cash for which a facility may provide safekeeping for a resident; amending s. 429.28, F.S.; providing notice requirements to inform facility residents that the identity of the resident and complainant in any complaint made to the State Long-Term Care Ombudsman Program or a local long-term care ombudsman council is confidential and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; requiring that a facility that terminates an individual's residency after the filing of a complaint be fined if good cause is not shown for the termination; requiring the agency to adopt rules to determine compliance with facility standards and resident's rights; amending s. 429.34, F.S.; requiring certain persons to report elder abuse in assisted living facilities; requiring the agency to regularly inspect every licensed assisted living facility; requiring the agency to conduct more frequent inspections under certain circumstances; requiring the licensee to pay a fee for the cost of additional inspections; requiring the agency to annually adjust the fee; amending s. 429.41, F.S.; providing that certain staffing requirements apply only to residents in continuing care facilities who are receiving the relevant service; amending s. 429.52, F.S.; requiring each newly hired employee of an assisted living facility to attend a preservice orientation provided by the assisted living facility; requiring the employee and administrator to sign a statement that the employee completed the orientation and keep the signed statement in the employee's personnel record; requiring additional hours of training for assistance with medication; conforming a cross-reference; creating s. 429.55, F.S.; directing the agency to create a consumer information website that publishes specified information regarding assisted living facilities; providing criteria for webpage content; creating s. 429.56, F.S.; authorizing the agency to create and maintain a monitored public comment webpage regarding licensed assisted living facilities; providing restrictions on who may post comments; requiring the Office of Program Policy Analysis and Government Accountability to study the reliability of facility surveys and submit to the Governor and the Legislature its findings and recommendations; providing appropriations and authorizing positions; amending s. 395.001, F.S.; providing legislative intent regarding recovery care centers; amending s. 395.002, F.S.; revising and providing definitions; amending s. 395.003, F.S.; including recovery care centers as facilities licensed under chapter 395, F.S.; creating s. 395.0171, F.S.; providing admission criteria for a recovery care center; requiring

emergency care, transfer, and discharge protocols; authorizing the agency to adopt rules; amending s. 395.1055, F.S.; authorizing the agency to establish separate standards for the care and treatment of patients in recovery care centers; amending s. 395.10973, F.S.; directing the agency to enforce special-occupancy provisions of the Florida Building Code applicable to recovery care centers; amending s. 395.301, F.S.; providing for format and content of a patient bill from a recovery care center; amending s. 408.802, F.S.; providing applicability of the Health Care Licensing Procedures Act to recovery care centers; amending s. 408.820, F.S.; exempting recovery care centers from specified minimum licensure requirements; amending ss. 394.4787, 409.97, and 409.975, F.S.; conforming cross-references; creating part XI of chapter 400, F.S.; providing legislative intent; providing definitions; requiring the licensure of transitional living facilities; providing license fees and application requirements; requiring accreditation of licensed facilities; providing requirements for transitional living facility policies and procedures governing client admission, transfer, and discharge; requiring a comprehensive treatment plan to be developed for each client; providing plan and staffing requirements; requiring certain consent for continued treatment in a transitional living facility; providing licensee responsibilities; providing notice requirements; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or take other retaliatory action under certain circumstances; requiring the client and client's representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures; providing licensee requirements relating to administration of medication; requiring maintenance of medication administration records; providing requirements for administration of medications by unlicensed staff; specifying who may conduct training of staff; requiring licensees to adopt policies and procedures for administration of medications by trained staff; requiring the Agency for Health Care Administration to adopt rules; providing requirements for the screening of potential employees and training and monitoring of employees for the protection of clients; requiring licensees to implement certain policies and procedures to protect clients; providing conditions for investigating and reporting incidents of abuse, neglect, mistreatment, or exploitation of clients; providing requirements and limitations for the use of physical restraints, seclusion, and chemical restraint medication on clients; providing a limitation on the duration of an emergency treatment order; requiring notification of certain persons when restraint or seclusion is imposed; authorizing the agency to adopt rules; providing background screening requirements; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; providing licensee responsibilities with respect to the property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds or other property received by a licensee and credited to the client; providing a penalty for certain misuse of a client's personal funds, property, or personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the agency to adopt rules; providing legislative intent; authorizing the agency to adopt and enforce rules establishing standards for transitional living facilities and personnel thereof; classifying violations and providing penalties therefor; providing administrative fines for specified classes of violations; authorizing the agency to apply certain provisions with regard to receivership proceedings; requiring the agency, the Department of Health, the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic information systems for certain purposes; repealing s. 400.805, F.S., relating to transitional living facilities; revising the title of part V of chapter 400, F.S.; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility," to conform; amending s. 381.75, F.S.; revising the duties of the Department of Health and the agency relating to transitional living facilities; amending ss. 381.78, 400.93, 408.802, and 408.820, F.S.; conforming provisions to changes made by the act; providing applicability with respect to transitional living facilities licensed before a specified date; creating s. 752.011, F.S.; authorizing the grandparent of a minor child to petition a court for visitation under certain circumstances; requiring a preliminary hearing; providing for the payment of attorney fees

and costs by a petitioner who fails to make a prima facie showing of harm; authorizing grandparent visitation upon specific court findings; providing factors for court consideration; providing for application of the Uniform Child Custody Jurisdiction and Enforcement Act; encouraging the consolidation of certain concurrent actions; providing for modification of an order awarding grandparent visitation; limiting the frequency of actions seeking visitation; limiting application to a minor child placed for adoption; providing for venue; creating s. 752.071, F.S.; providing conditions under which a court may terminate a grandparent visitation order upon adoption of a minor child by a stepparent or close relative; amending s. 752.015, F.S.; conforming provisions and cross-references to changes made by the act; repealing s. 752.01, F.S., relating to actions by a grandparent for visitation rights; repealing s. 752.07, F.S., relating to the effect of adoption of a child by a stepparent on grandparent visitation rights; amending s. 400.474, F.S.; revising the report requirements for home health agencies; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Reference

CS/HB 227—Referred to the Appropriations Committee.

CS/CS/HB 561—Referred to the Calendar of the House.

CS/CS/CS/HB 687—Referred to the Calendar of the House.

CS/CS/HB 743—Referred to the Calendar of the House.

CS/CS/CS/HB 753—Referred to the Calendar of the House.

CS/CS/CS/HB 775—Referred to the Calendar of the House.

CS/CS/HB 1135—Referred to the Calendar of the House.

CS/CS/HB 1235—Referred to the Calendar of the House.

CS/HB 7091—Referred to the Calendar of the House.

CS/HB 7147—Referred to the Calendar of the House.

Cosponsors

HB 459—Saunders

CS/CS/HB 921—Albritton

Reports of Standing Committees and Subcommittees

Received April 17:

The Health & Human Services Committee reported the following favorably:

CS/CS/HB 573 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/CS/HB 573 was laid on the table.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Bileca:

Yeas—April 11: 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 604

Nays—April 11: 582

Nays to Yeas—April 11: 603

Explanation of Vote for Sequence Number 572

Excused Absence

*Rep. Michael Bileca
District 115*

Explanation of Vote for Sequence Number 603

Someone inadvertently pushed my vote button during the vote. I was not in attendance, I had an excused absence, had I been there I would of voted Yea.

*Rep. Michael Bileca
District 115*

Disclosure of Interest

A company owned by my husband, Michael D. Vasilinda, Mike Vasilinda Productions, Inc., has a contract with the Florida Lottery that was signed in December of 2009. I am neither a shareholder nor officer in Mike Vasilinda Productions nor have I been employed in that contract. I do not know if or how HB 5001 - General Appropriations Act and/or HB 5003 - Implementing 2014-2015 General Appropriations Act might affect this contract. I am, however, disclosing these facts in the spirit of transparency.

*Rep. Michelle Rehwinkel Vasilinda
District 9*

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DAILY INDICES FOR

April 17, 2014

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